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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,184	06/27/2000	Eric B. Remer	81674-265752	4714

7590 12/21/2004

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/604,184

Applicant(s)

REMER ET AL.

Examiner

Christopher J Brown

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to applicant's argument regarding connection difference between a "connection entity" and a "target entity" according to the instant specification Figure 3, the trusted arbitrator must go through the connection entity to reach the target. Therefore the examiner asserts any connection to a target entity includes a connection with the connection entity.

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7, 9, 10, 13, 14, 15, 17, 18, 19, 20, 21, 23, 25, 29, 30, 31, and 34, are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US 6,714,982 in view of Namba US 5,966,448.**

As per claims 1, 3, 9, 17, 18, 19, 29, 33, 34, McDonough teaches a system in which a source entity (user) transmits a request to a trusted arbitrator (Network Server) to

establish a secure connection (instant message/chat) between the source entity and a target (other users) entity via a connection entity (network), (Col 1 lines 48-61).

McDonough teaches that the trusted Arbitrator establishes two secure connections before forwarding instant messages (Col 1 line 65 Col 2 line 4). O'Brien discloses a proxy server coupled to the connection entity through the internet (Col 7 lines 25-30).

McDonough teaches

McDonough does not teach using multiple encryption schemes.

Namba discloses a method of communicating using multiple encryption schemes with cryptographic protocol converters, (Col 7 line 55 to Col 8 line 18).

It would have been obvious to modify McDonough's connection system with Namba's encryption converters to allow interoperability between users with different encryption schemes.

As per claim 2, 4, 10, 20, 21, 23 McDonough teaches the source and connection entities must authenticate with the arbitrator, (Col 5 lines 35-43).

As per claim 5, 13, 25 McDonough teaches that the requests and responses conform with HTTP, (Col 3 lines 31-33).

As per claim 6, 14, 30 McDonough teaches that the Server is URL accessible, (Col 3 lines 40-44).

As per claim 7, 15, 31 McDonough teaches that files may be stored in an area associated with the connection entity (Col 5 lines 18-25). It is inherent that any instant message

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being forwarded through the server must be stored in the server for a limited amount of time.

**Claims 3, 11, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US 6,714,982 in view of Namba US 5,966,448 in view of Wood US 6,691,232**

As per claims 3, 11, 22, and 24, McDonough-Namba does not disclose multiple authentication schemes.

Wood discloses determining authentication scheme based on environmental factors, (Col 11, lines 5-12).

It would be obvious to modify the McDonough-Namba system with the multiple authentications schemes of Wood so the system can determine if the authentication scheme is sufficient to achieve a given level of trust.

**Claims 8, 16, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien US 6,351,776 in view of McDonough US 6,714,982 in view of Jaamies US 6,138,037**

As per claims 8, 16, and 32, McDonough-Namba does not disclose retransmission of the request.

Jaamies discloses retransmission if no response is received within a predetermined time period, (Col 3 lines 65-67).

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It would be obvious to modify the McDonough-Namba system with the retransmission scheme of Jaamies so the system can continue functioning if there is a network error.

**Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien US 6,351,776 in view of McDonough US 6,714,982 in view of Kung 5,434,918**

As per claim 12, McDonough-Namba does not disclose mutual authentication of the trusted arbitrator.

Kung discloses a mutual authentication scheme, which would authenticate the user and the trusted arbitrator, (Col 2 lines 5-10).

It would be obvious to modify the McDonough-Namba system with mutual authentication to increase the security of the system.

**Claims 26, 27, 28, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US 6,714,982 in view of Namba US 5,966,448 in view of Mccurley US 2003/0167403.**

As per claims 26, 27, and 28 McDonough-Namba teaches access control, (Col 5 lines 35-40). McDonough-Namba does not teach firewalls or proxys.

Mccurley teaches a system which uses an access control mechanism [0018]. Mccurley teaches that the access control mechanism may be a firewall or proxy [0018]. Mccurley teaches the access control mechanism may be coupled through the internet (Fig 4).

It would have been obvious to one of ordinary skill in the art to use the access control mechanism of Mccurley with the system of McDonough-Namba because the ACM prevents unauthorized access to protected networks, [0018].

As per claims 35-37 McDonough teaches a system in which a source entity (user) transmits a request to a trusted arbitrator (Network Server) to establish a secure connection (instant message/chat) between the source entity and a target (other users) entity via a connection entity (network), (Col 1 lines lines 48-61). McDonough teaches that the trusted Arbitrator establishes two secure connections before forwarding instant messages (Col 1 line 65 Col 2 line 4). O'Brien discloses a proxy server coupled to the connection entity through the internet (Col 7 lines 25-30).

McDonough does not teach using multiple encryption schemes.

Namba discloses a method of communicating using multiple encryption schemes with cryptographic protocol converters, (Col 7 line 55 to Col 8 line 18).

It would have been obvious to modify McDonough's connection system with Namba's encryption converters to allow interoperability between users with different encryption schemes.

Mccurley teaches a system which uses an access control mechanism [0018]. Mccurley teaches that the access control mechanism may be a firewall or proxy [0018]. Mccurley teaches the access control mechanism may be coupled through the internet (Fig 4).

It would have been obvious to one of ordinary skill in the art to use the access control mechanism of Mccurley with the system of McDonough-Namba because the ACM prevents unauthorized access to protected networks, [0018].

*Conclusion*

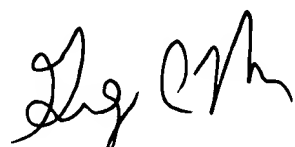
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

12/10/04



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